

Joseph Y. Ahmad
Texas Bar No. 00941100
Shawn M. Bates
Texas Bar No. 24027287
Alex Dvorscak
Texas Bar No. 24120461
Thomas Cooke
Texas Bar No. 24124818
**AHMAD, ZAVITSANOS & MENSING,
PLLC**
1221 McKinney St. Suite 2500
Houston, Texas 77010
(713) 655-1101 Telephone
(713) 655-0062 Facsimile
joeahmad@azalaw.com
sbates@azalaw.com
advorscak@azalaw.com
tcooke@azalaw.com

Jeff P. Prostok
State Bar No. 16352500
J. Robert Forshey
State Bar No. 07264200
Suzanne K. Rosen
State Bar No. 00798518
FORSHEY & PROSTOK LLP
777 Main St., Suite 1550
Fort Worth, Texas 76102
(817) 877-8855 Telephone
(817) 877-4151 Facsimile
jprostok@forsheyprostok.com
bforshey@forsheyprostok.com
srosen@forsheyprostok.com

**COUNSEL FOR ACIS CAPITAL MANAGEMENT, L.P.
AND ACIS CAPITAL MANAGEMENT GP, LLC,
PLAINTIFFS AND REORGANIZED DEBTORS**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Case No. 18-30264-SGJ-11
	§	Case No. 18-30265-SGJ-11
ACIS CAPITAL MANAGEMENT, L.P.,	§	
ACIS CAPITAL MANAGEMENT GP,	§	(Jointly Administered Under Case
LLC,	§	No. 18-30264-SGJ-11)
	§	
Debtors.	§	Chapter 11

ACIS CAPITAL MANAGEMENT, L.P.,	§	
ACIS CAPITAL MANAGEMENT GP,	§	
LLC, Reorganized Debtors,	§	Adversary No. 20-03060-SGJ
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
JAMES DONDERO, FRANK	§	
WATERHOUSE, SCOTT ELLINGTON,	§	
HUNTER COVITZ, ISAAC LEVENTON,	§	
JEAN PAUL SEVILLA, THOMAS	§	
SURGENT, GRANT SCOTT, HEATHER	§	
BESTWICK, WILLIAM SCOTT, AND	§	
CLO HOLDCO, LTD.,	§	
	§	
Defendants.	§	

AGREED MOTION FOR CONTINUANCE

Acis Capital Management, L.P. (“Acis LP”) and Acis Capital Management GP, LLC (“Acis GP” together with Acis LP, the “Reorganized Debtors,” “Debtors,” “Acis,” or “Plaintiffs”), the Reorganized Debtors in the above-styled and jointly administered bankruptcy cases (the “Bankruptcy Cases”) and Plaintiffs in the above-styled adversary proceeding (the “Adversary Proceeding”), file this **AGREED Motion for Continuance**.

A. The parties are in agreement that good cause exists to continue the case deadlines.

The Court entered a scheduling order on June 15, 2023. Dkt. 105. Discovery in this case has been proceeding, to this point primarily focused on extensive document collection and production – with well over 2 million pages received by Plaintiffs for sorting, review and analysis. Plaintiffs are working to schedule depositions for the next 60 days and expert work is underway.

As a result of the ongoing discovery, Acis believes it can and should add a claim for fraudulent transfer in the instant adversary proceeding.

Acis queried the Defendants and is advised that Defendants do not oppose Acis amending its Complaint to add the fraudulent transfer claim, but that this will necessitate an extension of case deadlines to account for additional discovery needs and more time for expert work, the current deadline for which is fast approaching. For this reason, Acis agrees that a modest extension of case deadlines is warranted.

Accordingly, there is good cause to further continue the case deadlines to allow sufficient time for consideration of the agreed motion to amend the trial schedule Acis is concurrently filing and for the additional discovery and expert work the parties will need to adequately prepare for trial. *See* Fed. R. Civ. P. 16(b). The parties do not seek this continuance for purposes of delay, but so that justice may be done.

B. Proposed new schedule:

The parties request a new trial setting for October of 2024 as well as these new deadlines:

- Expert Disclosures & Reports: May 15, 2024
- Rebuttal Expert Reports: June 17, 2024
- Expert Depositions: July 12, 2024
- Fact Discovery: July 12, 2024
- Trial Status Conference: August 5, 2024
- Dispositive Motions Filed By: August 2, 2024
- Dispositive Motions Heard By: September 9, 2024
- Pre-Trial Motions: September 27, 2024
- Joint Pre-Trial Order: September 27, 2024
- Trial Exhibits & Trial Witness Objections: September 20, 2024
- Finalized Trial Exhibits & Trial Witnesses: September 27, 2024
- Trial Docket Call & Pretrial Conference: October 7, 2024¹

For the foregoing reasons, Acis respectfully requests that the Court enter an amended scheduling order that reflects the deadlines set forth above.

¹ As stated in paragraphs 5 and 205 of Defendant Dondero's Original Answer to Original Complaint, Mr. Dondero does not consent to the entry of final orders or judgments by the Court, Mr. Dondero has requested a jury trial and does not consent to a jury trial in the bankruptcy court. By agreeing to this motion, Mr. Dondero does not waive any objection or consent to entry of final orders or judgments by the bankruptcy court or a jury trial in the bankruptcy court.

Dated: January 17, 2024

Respectfully and jointly submitted,

/s/ Joseph Y. Ahmad

Joseph Y. Ahmad

Texas Bar No. 00941100

Shawn M. Bates

Texas Bar No. 24027287

Alexander M. Dvorscak

Texas Bar No. 24120461

Thomas Cooke

Texas Bar No. 24124818

AHMAD, ZAVITSANOS & MENSING, PLLC

McKinney St. Suite 2500

Houston, Texas 77010

(713) 655-1101 Telephone

(713) 655-0062 Facsimile

joeahmad@azalaw.com

sbates@azalaw.com

advorscak@azalaw.com

tcooke@azalaw.com

**COUNSEL FOR PLAINTIFFS AND
REORGANIZED DEBTORS**

CERTIFICATE OF CONFERENCE

I certify that the parties conferred on this Motion and that Defendants agree with the Motion and the relief sought, both in form and substance.

/s/ Shawn Bates
Shawn M. Bates

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2024, this document was electronically served to the parties registered or otherwise entitled to receive electronic notices in this adversary proceeding pursuant to the Electronic Filing Procedures in this District.

/s/ Shawn Bates
Shawn M. Bates